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DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20301

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[REDACTED]
Deputy Legislative Counsel
Central Intelligence Agency
Office of Legislative Counsel
Washington, D.C. 20505

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Dear [REDACTED]

The following comments are forwarded for your consideration in connection with your paper on "A Joint Committee on Intelligence - Congressional Oversight".

First, may I compliment you on a very fine piece of work. In order to expand the paper to more fully cover the total intelligence community, you may want to insert the following information after your paragraph A.1. Statutory Basis. You may want to add at the bottom of the first page the following information:

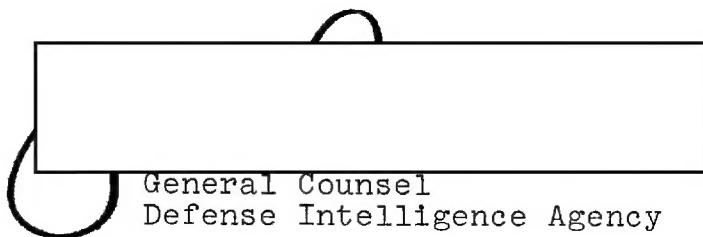
The National Security Act of 1947, as amended by the Department of Defense Reorganization Act of 1958 - Section 202 (c)(1) and Section 202 (c)(6) - empowers the Secretary of Defense to carry out common service activities of the Department "by a single Agency or such other organizational entities as he deems appropriate" whenever he "determines it to be advantageous to the Government in terms of effectiveness, economy or efficiency".

Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947 as amended, the Defense Intelligence Agency was established as an Agency of the Department of Defense under the direction, authority and control of the Secretary of Defense. The Agency was established by Department of Defense Directive 5105.21, dated August 1, 1961.

In 1952 President Truman designated the Secretary of Defense as the Executive Agent of the Government for communications intelligence and communications security matters and directed him to establish the National Security Agency. The Secretary's authority to create the National Security Agency is found in Section 133(d) of Title 10,

United States Code. This law provides that the Secretary may exercise any of his duties through persons or organizations of the Department of Defense. The National Security Agency is, therefore, a means chosen by the Secretary pursuant to law to discharge the above-noted Executive Agent responsibilities.

In addition to the above, you may want to modify the last sentence in your introductory paragraph entitled Premise. In order to expand for an all-intelligence community coverage, may I suggest this sentence be modified to read "Therefore, any exclusive legislative charter should be compatible with the existing structure in the Executive Branch and would involve the intelligence community, through the Director of Central Intelligence and in conjunction with the Central Intelligence Agency, the Department of Defense and other intelligence community members.



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General Counsel
Defense Intelligence Agency